THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25391 of 2000

30.12.2005

Between:

P.Krishna Sarojini @ P.Krishna Veni,

W/o. late P.Venkata Subbaramaiah @ P.Rama Murthy

… Petitioner

AND

The Government of India represented by the Deputy Secretary,

Freedom Fighters Cell, Ministry of Home Affairs, New Delhi

And others

… Respondents

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ORDER:

The petitioner claims to be the widow of late P.Venkata Subbaiah alias P.Rama Murthy. It appears, petitioner's husband actively participated in the movement against the erstwhile Nizam of Hyderabad. He was allegedly jailed for a period of four months in Aurangabad. In 1982, petitioner's husband made an application to the District Collector seeking freedom fighters pension. The same was enquired into. It appears, the Government of Andhra Pradesh sent a report to the Central Government, the first respondent herein, recommending sanction of the pension. The petitioner's husband died on 25.8.1985, but the petitioner was not sanctioned any pension. Therefore, the present writ petition is filed *inter alia* seeking direction to first respondent to sanction pension under Swathantra Sainik Sanman Pension Scheme (hereafter called, 1980 scheme) from the date of the application dated 01.8.1992.

The Undersecretary to the Government of India in Ministry of Human Affairs (Freedom Fighters Cell) filed a counter affidavit opposing the writ petition. It is stated that the petitioner has not filed any application to consider the application under 1980 scheme. As per the scheme, a freedom fighter is required to apply in duplicate sending one copy to Government of India and another copy to the State Government. It is stated that the petitioner has not submitted any application to the State Government and therefore, the petitioner is not entitled to any relief.

None appears for the petitioner as well as the first respondent –Government of India.

The counter affidavit was filed on 30.3.2001 but so far no reply affidavit is filed denying counter averments. In the absence of any such application made by the petitioner or her husband, the application for sanction of pension under 1980 scheme cannot be considered. Therefore, liberty is reserved to the petitioner to make an application as required under 1980 scheme in duplicate – one application to Government of India and another application to Government of Andhra Pradesh. As and when such application is made, the same shall be considered by the respondents 1 and 2 in accordance with 1980 scheme.

The writ petition, with the above observations, is accordingly disposed of. No costs.

December 30, 2005. (**V.V.S. RAO,J**)

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